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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,794	08/01/2003	Ramiro Liscano	1244.42979X00	1675
20457 7590 11/27/2007 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER SALL, EL HADJI MALICK	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/631,794

Applicant(s)

LISCANO ET AL.

Examiner

El Hadji M. Sall

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed on September 12, 2007. Claims 1-8 and 11-12 are amended. Claims 1-9 and 11-18 are pending. Claims 1-9 and 11-18 represent role-based presence enabled service for communication system.

2. ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant discloses in claim 1 "a presentity user agent and a watch user agent are software", in a system claim. Appropriate correction is required.

3. *Claim Rejections - 35 USC § 102*

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-8 and 11-12 are rejected under 35 U.S.C. 102(e) as being unpatentable by Godefroid et al. U.S. 6,697,840.

Godefroid teaches the invention as claimed including presence awareness in collaborative systems (see abstract).

As to claim 1, Godefroid teaches a system for providing role-based presentity availability information to a watcher, comprising:

at least one presentity user agent for issuing a request to register a Presentity in at least one of a plurality of roles, and for generating context messages relating to changes in context of said presentity (column 5, lines 50-62]);

at least one watcher user agent for issuing a role-based subscription request for said availability information (column 8, lines 11-18);

a presence service for maintaining role-based watcher subscriptions and issuing availability messages in response to generation of said context messages (figure 1, item 109); and

a role manager for (i) receiving each request to register a Presentity in said at least one of said plurality of roles and in response managing presentity registration in said plurality of roles, and (ii) receiving each said role-based subscription request, and in response managing each role-based watcher subscription to said availability information within said Presence Service (figure 1).

As to claim 2, Godefroid teaches a system as claimed in claim 1, wherein said presence service comprises:

a shared database for publishing a subscribe event and a notification event in response to receiving each said subscription request and context message, respectively (figure 1, 105);

at least one presence agent for receiving said subscribe event and in response triggering a set of subscription policies that either confirm or reject each of said role-based Watcher subscriptions, and for receiving said notification event and in response triggering a set of notification policies to selectively generate said availability messages (figure 1, 109).

As to claim 3, Godefroid teaches a system as claimed in 2, wherein said role manager is a role group manager for effecting user-centered management of roles by registering said presentity with said at least one presence agent in said at least one of said plurality of roles, and subscribing said Watcher within said least one presence agent to said presentity in said at least one of said plurality of roles (column 2, line 66 to column 3, line 8).

As to claim 4, Godefroid teaches a system as claimed in claim 3, wherein said role-based subscription request identifies said Presentity and includes a role definition therefor (column 2, lines 51-65).

As to claims 5 and 11, Godefroid teaches a system as claimed in claims 3 and 4 wherein each of said notification policies includes a role switch for Presentity control of

Art Unit: 2157

availability in said at least one of said plurality of roles (column 7, line 62 to column 8, line 8).

As to claim 6, Godefroid teaches a system as claimed in claim 2, wherein said Role Manager is a Role Manager Service for effecting user-independent management of roles by subscribing said Watcher to said at least one of said plurality of roles irrespective of said Presentity (column 2, line 66 to column 3, line 8).

As to claim 7, Godefroid teaches a system as claimed in claim 6, wherein said role-based subscription includes a role definition therefor (column 6, lines 33-44).

As to claims 8 and 12, Godefroid teaches a system as claimed in claims 6 and 7, wherein each of said notification policies includes a watcher switch for identifying said Watcher and a status line for controlling availability of said Presentity in said at least one of said plurality of roles (column 7, line 62 to column 8, line 8).

5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

Art Unit: 2157

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godefroid et al. U.S. 6,697,840 in view of Rostowfske et al. U.S. 6,735,717.

Godefroid teaches the invention substantially as claimed including presence awareness in collaborative systems (see abstract).

As to claims 9 and 13-18, Godefroid teaches a system as claimed in claims 2-8, respectively.

Godefroid fails to teach explicitly said shared database is a tuple space.

However, Rostowfske teaches distribution computing system clustering model provided soft real-time responsiveness and continuous availability. Rostowfske teaches shared database is a tuple space (column 4, lines 22-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Godefroid in view of Rostowfske to provide shared database is a tuple space. One would be motivated to do so to allow automatic load

balancing.

7. Conclusion

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

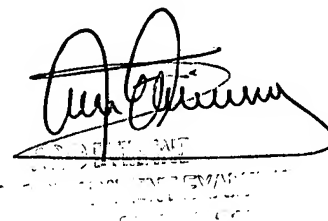
Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall

Patent Examiner

Art Unit: 2157



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